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CARR & FERRELL LLP 120 CONSTITUTION DRIVE MENLO PARK, CA 94025				
EXAMINER				
SHELEHEDA, JAMES R				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/753,768

**Applicant(s)**

REDMOND, SCOTT D.

**Examiner**

JAMES SHELEHEDA

**Art Unit**

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-28, 30-39 and 41-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-28, 30-39 and 41-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 20-28, 31-39, 41-46 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-28, 30-39 and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran (6,202,060) (of record) in view of Whiteside (5,835,861) (of record) and Sizer, II et al. (Sizer) (6,021,432) (of record).

As to claim 20, Tran discloses a portable wireless media access device (10, Fig. 1; column 4, lines 66-67 and column 5, lines 1-4), comprising:

a transceiver (wireless transceiver, 31) that transacts a wireless communications session (connected to complete a particular request; column 18, lines 53-65) over a wireless network (column 7, lines 40-52 and column 18, lines 53-65);

memory (Fig. 1; RAM, 22) that stores audio/video content (column 18, lines 27-31 and column 19, lines 34-50); and

a user interface (keypad, 24) that receives instructions (column 18, lines 27-31, column 19, lines 34-50 and column 7, lines 28-52) related to the control of the audio/video content stored in the memory (transmitted media to the TV for playback; column 14, lines 41-50).

While Tran discloses a remote wireless device capable of wireless communication with the portable wireless media access device, the wireless communication occurring over the wireless network (column 6, line 38-column 7, line 27), he fails to specifically disclose a proximity sensor coupled to the transceiver that scans for and detects a remote wireless device capable of transacting a wireless communication session with the portable wireless media access device, the scanning and detecting by the sensor occurring automatically and without human interaction.

In an analogous art, Whiteside discloses a portable wireless device (Fig. 1; cell phone, 10) which uses a transmitter and receiver (column 1, lines 59-64) to scan and detect a portable wireless media access device capable of wireless communication with the portable wireless device (transmitter/receiver; column 1, line 58-column 2, line 18) to receive content (vendor telephone number; column 2, lines 13-22) for the typical benefit of providing a convenient way for a wireless user to easily acquire a vendor telephone number from a passing billboard (column 1, lines 14-24).

Additionally, in an analogous art, Sizer discloses a portable device (104; column 5, lines 4-16) which will scan and detect a device for communication automatically without human interaction (column 2, line 60-column 3, line 3, column 4, line 44-column 5, line 32) for the typical benefit of providing a more user friendly system which allows

users to automatically receive desirable data whenever within range (column 4, line 44-column 5, line 32).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran's system to include a proximity sensor configured to scan for and detect a remote wireless device capable of wireless communication with the portable wireless media access device, as taught in combination with Whiteside, for the typical benefit for allowing a user of a portable wireless device to easily acquire advertiser information from billboards.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran and Whiteside's system to include the scanning and detecting by the sensor occurring automatically and without human interaction, as taught in combination with Sizer, for the typical benefit for allowing a user of a portable wireless device to easily acquire advertiser information from billboards.

As to claim 46, Tran, Whiteside and Sizer disclose wherein the transceiver receives audio/video content accompanied by data transmitted over a radio sideband carrier frequency (column 2, line 60-column 3, line 3).

As to claim 21, Tran, Whiteside and Sizer disclose wherein the transceiver receives the audio/video content over the wireless network (see Tran at column 18, lines 27-31, column 19, lines 34-50 and column 7, line 28-52).

As to claim 22, while Tran, Whiteside and Sizer disclose wherein the transceiver transacts a wireless communications session, they fail to specifically disclose Bluetooth protocol.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize Bluetooth protocol, to implement a wireless connection system between a mobile device and other local devices, as the Bluetooth protocol is a specifically designed universal radio interface in the 2.45 GHz frequency band that enables portable electronic devices to connect and communicate wirelessly via short-range, ad hoc networks, and is generally targeted towards the elimination of wires, cables, and connectors between such devices and systems as cordless or mobile phones, modems, headsets, PDAs, computers, printers, projectors, and local area networks, for the typical benefits of conforming with a widely known protocol for establishing wireless local connections and eliminating the need for physical connections.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran's system to include Bluetooth-protocol for the typical benefits of conforming with a widely known protocol for establishing wireless local connections and eliminating the need for physical connections.

As to claim 23, while Tran, Whiteside and Sizer disclose wherein the transceiver transacts a wireless communications session, they fail to specifically disclose 802.11 protocol.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize 802.11 protocol to implement a wireless connection system between a mobile device and other local devices, as the 802.11 protocol is a specifically designed standard to enable electronic devices to connect and communicate wirelessly via wireless local area networks (WLAN), for the typical benefits of conforming with a widely known protocol for establishing wireless local connections and eliminating the need for physical connections.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran's system to include 802.11 protocol for the typical benefits of conforming with a widely known protocol for establishing wireless local connections and eliminating the need for physical connections.

As to claim 24, Tran, Whiteside and Sizer disclose wherein the memory includes a removable memory card (see Tran at Fig. 1; PCMCIA expandable storage).

As to claim 25, Tran, Whiteside and Sizer disclose wherein the proximity sensor automatically detects the remote wireless device (see Whiteside at column 1, line 59-column 2, line 45).

As to claim 26, Tran, Whiteside and Sizer disclose wherein the proximity sensor detects the remote wireless device in response to an instruction receive via the user

interface, the user interface receiving instructions related to an interaction with the remote wireless device (see Whiteside at column 1, line 58-column 2, line 18).

As to claim 27, Tran, Whiteside and Sizer disclose wherein the transceiver initiates the wireless communications session with the remote wireless device detected by the proximity sensor, the wireless communication occurring over the wireless network (see Whiteside at column 1, line 58-column 2, line 18).

As to claim 30, Tran, Whiteside and Sizer disclose wherein the sensor detects that the remote wireless device is a media display device and the transceiver is capable of transacting a wireless communication session with the media display device to exchange interactive content with the portable media access device (billboard; see Whiteside at Fig. 1, column 1, lines 25-50).

As to claim 31, Tran, Whiteside and Sizer disclose wherein the media display device is a billboard (billboard; see Whiteside at Fig. 1).

As to claims 28 and 32, while Tran, Whiteside and Sizer disclose wherein the sensor detects that the remote wireless device is a compatible device and the transceiver is capable of transacting a wireless communication session with the device to exchange interactive content with the device (billboard; see Whiteside at Fig. 1,



column 1, lines 25-50), they fail to specifically disclose wherein the device is a cellular phone or kiosk.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to communicate with a kiosk or cellular phone transmitting/receiving data, which are both readily available and distributed, for the typical benefit of taking advantage of widely-distributed existing devices for providing communication.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran, Whiteside and Sizer's system to include wherein the device is a cellular phone or kiosk for the typical benefit of taking advantage of widely-distributed existing devices for providing communication.

As to claim 33, Tran, Whiteside and Sizer disclose wherein the transceiver receives audio/video content is received over the wireless network from a content server (Internet server; see Tran at column 19, lines 23-50).

As to claim 34, Tran, Whiteside and Sizer disclose wherein the transceiver establishes a local area network including one or more remote wireless devices detected by the proximity sensor (see Whiteside at column 1, line 58-column 2, line 39).

As to claim 35, Tran, Whiteside and Sizer disclose wherein the transceiver receives the audio/video content over the wireless network from a content server via

another remote wireless device (see Tran at column 6, line 26-column 7, line 52 and column 19, line 23-column 20, line 21).

As to claim 36, Tran, Whiteside and Sizer disclose wherein the transceiver transacts the wireless communication session with a video server (see Tran at column 19, lines 34-50 and Whiteside at column 1, line 59-column 2, line 39).

As to claim 37, Tran, Whiteside and Sizer disclose wherein the transceiver receives audio/video content over the wireless network from an intermediate remote wireless device that is communicatively connected to the local area network, the intermediate remote wireless device having received the audio/video content from another remote wireless device that is communicatively connected to the localized area network (see Tran at column 6, line 26-column 7, line 52 and column 19, line 23-column 20, line 21).

As to claim 38, Tran, Whiteside and Sizer disclose wherein the transceiver receives audio/video content as one or more segments (packetized data; see Tran at column 6, line 26-column 7, line 27).

As to claim 39, Tran, Whiteside and Sizer disclose wherein the transceiver receives a first segment of the audio/video content from a first source and a second

segment of the audio/video content from a second source (see Tran at column 6, line 38-column 7, line 27).

As to claim 41, while Tran, Whiteside and Sizer disclose a remote wireless device detected by the proximity sensor, they fail to specifically disclose wherein the device is identified by a serial number corresponding to that particular remote wireless device.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize unique serial numbers to identify particular devices, so as to provide security by identifying valid or "safe" devices and for allowing systems to readily identify a device and it's corresponding use, thereby taking advantage of a well-known method for uniquely identifying electronic devices.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran, Whiteside and Sizer's system to include wherein the device is identified by a serial number corresponding to that particular remote wireless device for the typical benefit of taking advantage of a well-known method for uniquely identifying electronic devices.

As to claim 42, Tran, Whiteside and Sizer disclose a serial port that exchanges information with an external device via a serial cable (see Tran at column 12, lines 7-36).

As to claim 43, Tran, Whiteside and Sizer disclose a docking port that exchanges information with an external device via a docking station (proprietary docking port; see Tran at column 12, lines 7-36).

As to claim 44, Tran, Whiteside and Sizer disclose at least one audio/video port that provides audio/video content to an external playback device controlled by the user interface of the portable wireless media access device (see Tran at Fig. 3; column 14, line 41-column 15, line 10 and column 16, line 50-column 17, line 25).

As to claim 45, Tran, Whiteside and Sizer disclose a digital camera that records video content subsequently transmitted by the transceiver via the wireless network (see Tran at column 6, line 38-column 7, line 27).

4. Claims 20-28, 30-39 and 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran (6,202,060) (of record) in view of Whiteside (5,835,861) (of record) and Abram et al. (Abram) (6,874,037) (of record).

As to claim 20, Tran discloses a portable wireless media access device (10, Fig. 1; column 4, lines 66-67 and column 5, lines 1-4), comprising:

a transceiver (wireless transceiver, 31) that transacts a wireless communications session (connected to complete a particular request; column 18, lines 53-65) over a wireless network (column 7, lines 40-52 and column 18, lines 53-65);

memory (Fig. 1; RAM, 22) that stores audio/video content (column 18, lines 27-31 and column 19, lines 34-50); and

a user interface (keypad, 24) that receives instructions (column 18, lines 27-31, column 19, lines 34-50 and column 7, lines 28-52) related to the control of the audio/video content stored in the memory (transmitted media to the TV for playback; column 14, lines 41-50).

While Tran discloses a remote wireless device capable of wireless communication with the portable wireless media access device, the wireless communication occurring over the wireless network (column 6, line 38-column 7, line 27), he fails to specifically disclose a proximity sensor coupled to the transceiver that scans for and detects a remote wireless device capable of transacting a wireless communication session with the portable wireless media access device, the scanning and detecting by the sensor occurring automatically and without human interaction.

In an analogous art, Whiteside discloses a portable wireless device (Fig. 1; cell phone, 10) which uses a transmitter and receiver (column 1, lines 59-64) to scan and detect a portable wireless media access device capable of wireless communication with the portable wireless device (transmitter/receiver; column 1, line 58-column 2, line 18) to receive content (vendor telephone number; column 2, lines 13-22) for the typical benefit of providing a convenient way for a wireless user to easily acquire a vendor telephone number from a passing billboard (column 1, lines 14-24).

Additionally, in an analogous art, Abram discloses a portable device (Fig. 5, portable computer; column 5, lines 21-39) which will scan and detect a device for

communication automatically without human interaction (Fig. 3, 5; column 5, lines 21-39) for the typical benefit of providing a more user friendly system which allows users to automatically receive desirable data whenever within range, without requiring the user to remember to initiate the detection (column 1, lines 31-34).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran's system to include a proximity sensor configured to scan for and detect a remote wireless device capable of wireless communication with the portable wireless media access device, as taught in combination with Whiteside, for the typical benefit for allowing a user of a portable wireless device to easily acquire advertiser information from billboards.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran and Whiteside's system to include the scanning and detecting by the sensor occurring automatically and without human interaction, as taught in combination with Abram, for the typical benefit for allowing a user of a portable wireless device to easily acquire advertiser information from billboards.

As to claim 21, Tran, Whiteside and Abram disclose wherein the transceiver receives the audio/video content over the wireless network (see Tran at column 18, lines 27-31, column 19, lines 34-50 and column 7, line 28-52).

As to claim 22, while Tran, Whiteside and Abram disclose wherein the transceiver transacts a wireless communications session, they fail to specifically disclose Bluetooth protocol.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize Bluetooth protocol, to implement a wireless connection system between a mobile device and other local devices, as the Bluetooth protocol is a specifically designed universal radio interface in the 2.45 GHz frequency band that enables portable electronic devices to connect and communicate wirelessly via short-range, ad hoc networks, and is generally targeted towards the elimination of wires, cables, and connectors between such devices and systems as cordless or mobile phones, modems, headsets, PDAs, computers, printers, projectors, and local area networks, for the typical benefits of conforming with a widely known protocol for establishing wireless local connections and eliminating the need for physical connections.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran's system to include Bluetooth-protocol for the typical benefits of conforming with a widely known protocol for establishing wireless local connections and eliminating the need for physical connections.

As to claim 23, while Tran, Whiteside and Abram disclose wherein the transceiver transacts a wireless communications session, they fail to specifically disclose 802.11 protocol.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize 802.11 protocol to implement a wireless connection system between a mobile device and other local devices, as the 802.11 protocol is a specifically designed standard to enable electronic devices to connect and communicate wirelessly via wireless local area networks (WLAN), for the typical benefits of conforming with a widely known protocol for establishing wireless local connections and eliminating the need for physical connections.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran's system to include 802.11 protocol for the typical benefits of conforming with a widely known protocol for establishing wireless local connections and eliminating the need for physical connections.

As to claim 24, Tran, Whiteside and Abram disclose wherein the memory includes a removable memory card (see Tran at Fig. 1; PCMCIA expandable storage).

As to claim 25, Tran, Whiteside and Abram disclose wherein the proximity sensor automatically detects the remote wireless device (see Whiteside at column 1, line 59-column 2, line 45).

As to claim 26, Tran, Whiteside and Abram disclose wherein the proximity sensor detects the remote wireless device in response to an instruction receive via the user



interface, the user interface receiving instructions related to an interaction with the remote wireless device (see Whiteside at column 1, line 58-column 2, line 18).

As to claim 27, Tran, Whiteside and Abram disclose wherein the transceiver initiates the wireless communications session with the remote wireless device detected by the proximity sensor, the wireless communication occurring over the wireless network (see Whiteside at column 1, line 58-column 2, line 18).

As to claim 30, Tran, Whiteside and Abram disclose wherein the sensor detects that the remote wireless device is a media display device and the transceiver is capable of transacting a wireless communication session with the media display device to exchange interactive content with the portable media access device (billboard; see Whiteside at Fig. 1, column 1, lines 25-50).

As to claim 31, Tran, Whiteside and Abram disclose wherein the media display device is a billboard (billboard; see Whiteside at Fig. 1).

As to claims 28 and 32, while Tran, Whiteside and Abram disclose wherein the sensor detects that the remote wireless device is a compatible device and the transceiver is capable of transacting a wireless communication session with the device to exchange interactive content with the device (billboard; see Whiteside at Fig. 1,

column 1, lines 25-50), they fail to specifically disclose wherein the device is a cellular phone or kiosk.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to communicate with a kiosk or cellular phone transmitting/receiving data, which are both readily available and distributed, for the typical benefit of taking advantage of widely-distributed existing devices for providing communication.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran, Whiteside and Abram's system to include wherein the device is a cellular phone or kiosk for the typical benefit of taking advantage of widely-distributed existing devices for providing communication.

As to claim 33, Tran, Whiteside and Abram disclose wherein the transceiver receives audio/video content is received over the wireless network from a content server (Internet server; see Tran at column 19, lines 23-50).

As to claim 34, Tran, Whiteside and Abram disclose wherein the transceiver establishes a local area network including one or more remote wireless devices detected by the proximity sensor (see Whiteside at column 1, line 58-column 2, line 39).

As to claim 35, Tran, Whiteside and Abram disclose wherein the transceiver receives the audio/video content over the wireless network from a content server via

another remote wireless device (see Tran at column 6, line 26-column 7, line 52 and column 19, line 23-column 20, line 21).

As to claim 36, Tran, Whiteside and Abram disclose wherein the transceiver transacts the wireless communication session with a video server (see Tran at column 19, lines 34-50 and Whiteside at column 1, line 59-column 2, line 39).

As to claim 37, Tran, Whiteside and Abram disclose wherein the transceiver receives audio/video content over the wireless network from an intermediate remote wireless device that is communicatively connected to the local area network, the intermediate remote wireless device having received the audio/video content from another remote wireless device that is communicatively connected to the localized area network (see Tran at column 6, line 26-column 7, line 52 and column 19, line 23-column 20, line 21).

As to claim 38, Tran, Whiteside and Abram disclose wherein the transceiver receives audio/video content as one or more segments (packetized data; see Tran at column 6, line 26-column 7, line 27).

As to claim 39, Tran, Whiteside and Abram disclose wherein the transceiver receives a first segment of the audio/video content from a first source and a second

segment of the audio/video content from a second source (see Tran at column 6, line 38-column 7, line 27).

As to claim 41, while Tran, Whiteside and Abram disclose a remote wireless device detected by the proximity sensor, they fail to specifically disclose wherein the device is identified by a serial number corresponding to that particular remote wireless device.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize unique serial numbers to identify particular devices, so as to provide security by identifying valid or "safe" devices and for allowing systems to readily identify a device and it's corresponding use, thereby taking advantage of a well-known method for uniquely identifying electronic devices.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran, Whiteside and Abram's system to include wherein the device is identified by a serial number corresponding to that particular remote wireless device for the typical benefit of taking advantage of a well-known method for uniquely identifying electronic devices.

As to claim 42, Tran, Whiteside and Abram disclose a serial port that exchanges information with an external device via a serial cable (see Tran at column 12, lines 7-36).

As to claim 43, Tran, Whiteside and Abram disclose a docking port that exchanges information with an external device via a docking station (proprietary docking port; see Tran at column 12, lines 7-36).

As to claim 44, Tran, Whiteside and Abram disclose at least one audio/video port that provides audio/video content to an external playback device controlled by the user interface of the portable wireless media access device (see Tran at Fig. 3; column 14, line 41-column 15, line 10 and column 16, line 50-column 17, line 25).

As to claim 45, Tran, Whiteside and Abram disclose a digital camera that records video content subsequently transmitted by the transceiver via the wireless network (see Tran at column 6, line 38-column 7, line 27).

5. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tran, Whiteside and Abram as applied above, and further in view of Sizer, II et al. (Sizer) (6,021,432) (of record).

As to claim 46, while Tran, Whiteside and Abram disclose at least one audio/video selection received over the wireless network, they fail to specifically disclose wherein the receipt of the audio/video includes receipt of data transmitted over a radio sideband carrier frequency.

In an analogous art, Sizer discloses a portable device (104; column 5, lines 4-16) which will receive data transmitted over a radio sideband carrier frequency

accompanying transmitted audio/video data (column 2, line 60-column 3, line 3) for the typical benefit of providing users with additional forms of relevant data along with broadcast transmissions (column 2, line 60-column 3, line 3 and column 4, lines 3-28).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tran, Whiteside and Abram's system to include wherein the receipt of the audio/video includes receipt of data transmitted over a radio sideband carrier frequency, as taught by Sizer, for the typical benefit of providing users with additional forms of relevant data along with broadcast transmissions.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES SHELEHEDA whose telephone number is

(571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sheleheda/  
Primary Examiner, Art Unit 2424

JS